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THE REFUGEE ACT TEN YEARS LATER DEMANDS FOR ASYLUM REFORM QUICKEN PACE

March 17 marked the tenth anniversary of the Refugee Act of 1980, the law that, among other things, sought to create a uniform procedure to enable aliens in the United States or its borders to apply for asylum. Coinciding with the anniversary, several nongovernmental agencies and scholars have issued reports analyzing what they see as failures in implementation of the Act and offering recommendations for reform of the system for judging asylum claims.

This comes at a time when the regulatory framework for asylum adjudication in the United States is very much up in the air, with proposals for new asylum regulations being considered within the Justice Department and its agencies.

After several months on the job, Gene McNary, the new Commissioner of the Immigration and Naturalization Service (INS), now appears ready to make his mark on the agency, and his agenda appears to include asylum reform. In December, he told a press conference that new asylum regulations "may be forthcoming soon," and expressed his view that there was a need for better quality adjudication and streamlining of deportation procedures.

On February 7, McNary went to the largest detention center in Texas--the Port Isabel Service Processing Center, commonly known as "El Corralon"--to announce a revived "get tough" policy for large-scale detention of Central American asylum seekers. After touring six newly erected tents at the Port Isabel facility, McNary told a press conference, "The message we are now sending across Central America and around the world is, 'Just don't drop in our doorstep without a just cause and a provable case of fear of persecution.'" The policy of releasing detainees, he said, "has stopped as of today."

A similar detention policy announced last February bogged down with delays in adjudication and prolonged detention and budget-breaking expense to the government (see Refugee Reports, Vol. X, Nos. 2 and 5). Only two weeks before McNary's announcement, the INS had been releasing large numbers of Central American detainees from south Texas, which McNary had explained as

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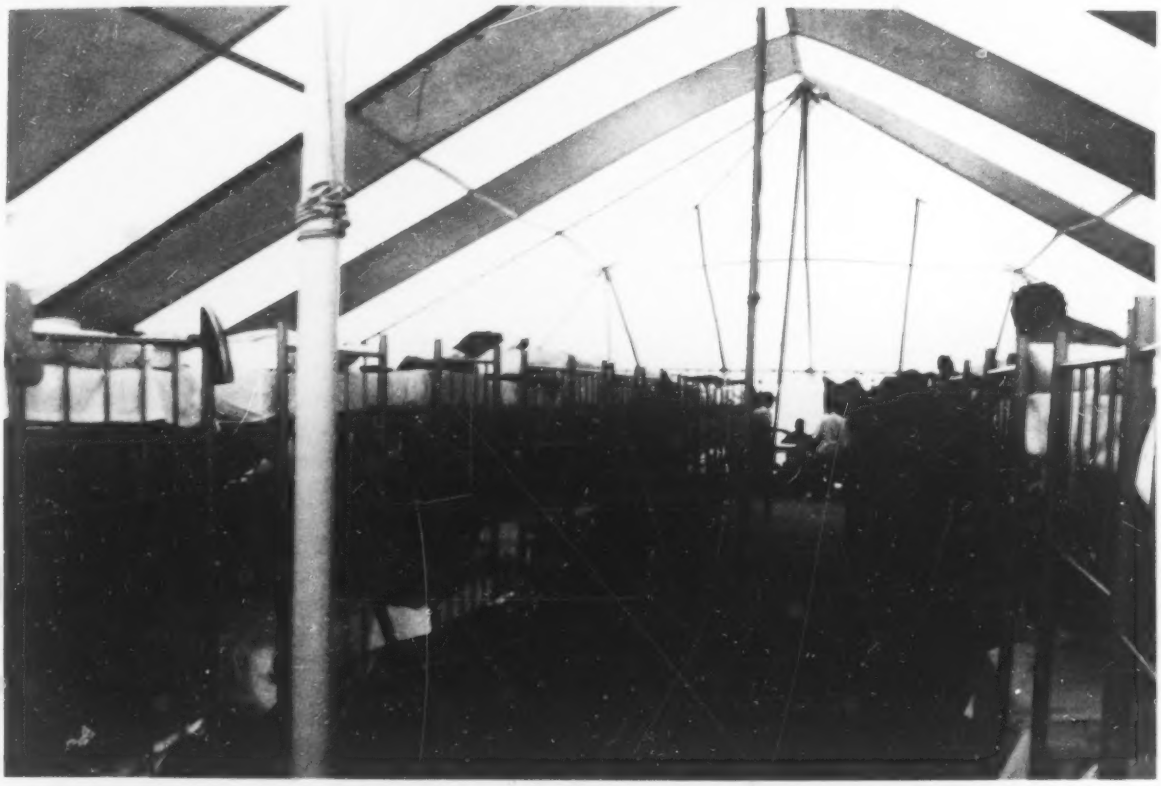

Central American detainees in tents at Port Isabel detention facility in Texas last year. Tents have recently been erected again in anticipation of increased detention. USCR/Hiram A. Ruiz

necessary to "live within our budget" (see Refugee Reports, Vol. XI, No. 1). McNary said that about $11 million had been set aside from the INS budget to finance the new detention effort, and that more emergency funds would be available, the February 8 New York Times reported.

McNary said that the INS would once again strive for single-day adjudications. He said that he had "a good blueprint" for speeding up asylum adjudications and deportations.

Private Studies Offer Alternative "Blueprints" Whether the present "blueprint" simply revives the logistics of last year's detention and accelerated adjudication plan, or whether it addresses more far-ranging changes remains to be seen. But what follows is a look at recent reports by two prominent human rights groups and studies by two leading immigration law academics that address more far-reaching changes in the asylum adjudication system.

The two organizations, Amnesty International U.S.A. and the Lawyers Committee for Human Rights, released reports directly tied to the tenth anniversary of the Refugee Act that analyze its implementation and make wide-ranging recommendations for reform.

Both organizations make a case that foreign policy considerations and political bias have undercut the purposes of the Refugee Act. The Amnesty report places primary responsibility for bias on two federal agencies, saying, "Guatemalans, Haitians and Salvadorans who are refused asylum under the biased practices of the Bureau of Human Rights and Humanitarian Affairs (BHRHA) of the Department of State and the Immigration and Naturalization Service (INS) are frequently repatriated to countries where they risk arrest as prisoners of conscience, torture, 'disappearance' or execution."

The Lawyers Committee charges, "The humanitarian purpose of the Act has been systematically subverted by political considerations." Both organizations cited

statistics to bolster their case, showing discrepancies in asylum approval rates based on national origin and ideology. Both organizations also made use of case studies in their reports to show asylum seekers with strong claims who have not been protected by the system.

Both Amnesty and the Lawyers Committee make a broad range of recommendations to strengthen due process for asylum seekers and to improve the independence and training of asylum adjudicators. Both reports also address related matters beyond the scope of asylum adjudication per se, such as conditions of detention and interdiction of Haitian boat people.

Duke Austin, a spokesman for the INS, criticized the Lawyers Committee report, saying, "They want to call aliens in detention 'refugees' before a determination of their status is made." He told Refugee Reports, "We don't incarcerate refugees." At press time, the Amnesty report had not yet been publicly released, and the INS has therefore not commented on it.

Academic Voices Are Also Heard Among the scholars weighing in recently on asylum reform are Deborah Anker, who led a Harvard University research team studying the operation of one immigration court, and David Martin, a professor of law at the University of Virginia, whose report led to recommendations last year by the Administrative Conference of the United States. The remainder of this article will focus on these two studies because they focus more specifically on the issues that are likely to be the subject of new asylum regulations.

The focal point of the debate, at the present time, is on the role of the federal agencies that make or contribute to asylum determination--in particular, whether primary responsibility for asylum adjudication should rest with the INS or with the Executive Office of Immigration Review (EOIR), and whether or not aliens should continue to have the right to apply for asylum before both agencies, first affirmatively with the INS, and, if denied, second, with an immigration judge of the EOIR in the course of a deportation or exclusion hearing.

Earlier "Blueprints" Not Implemented In August 1987, the INS proposed asylum regulations that called for dropping the role of immigration judges in favor of a specially trained corps of asylum adjudicators within the INS [52 Fed. Reg. 32552]. This caused a storm of protest, and the proposed rule was withdrawn (see Refugee Reports, Vol. VIII, no. 9). Then, in April 1988, the regulations were revised and again proposed [53 Fed. Reg. 11300], retaining the corps of asylum adjudicators for initial hearings, but reintroducing the role of immigration judges to consider asylum claims in deportation or exclusion proceedings (see Refugee Reports, Vol. IX, No. 4).

With the April 1988 proposed regulations left hanging, much attention has focused on the role of immigration judges and their agency, the EOIR, in the asylum process. The EOIR, an agency within the Justice Department but separate from the INS, considers asylum applications of aliens facing deportation or exclusion. The EOIR procedure involves a formal, administrative hearing in an immigration court. Decisions of immigration judges may be appealed by either the alien or the government to the Board of Immigration Appeals (BIA), the highest appellate unit within the EOIR. From there, further appeals may be made to the federal circuit court of appeals.

Harvard Study Looks at Role of Immigration Judges Anker's study is based on observations of 193 hearings at the immigration court in Boston during a two-year period. Of the 149 asylum claims represented in these hearings, seven applicants were granted asylum. In each of the seven cases granted, the applicant was relatively well-educated, represented by experienced counsel, and able to produce corroborative evidence. The study noted that "social class, cultural factors and perceptions of the applicants' ideological beliefs seem to play a significant role in determining which cases were granted."

On the other hand, 75 percent of the applicants were denied who presented evidence of severe past persecution and highly visible political activism. "There does not appear to be any reason based on current legal standards for the granting of other claims over these," said the report.

The study, "Determining Asylum Claims in the United States," charges that immigration judges generally expect asylum applicants to produce corroborative printed proof or tes-

COMPARISON OF ASYLUM APPROVAL RATES IN CASES BEFORE EOIR IMMIGRATION JUDGES AND INS DISTRICT DIRECTORS BY SELECTED NATIONALITIES, FY 1989

COUNTRY	DISTRICT DIRECTORS (INS) CASES GRANTED	DISTRICT DIRECTORS (INS) CASES DENIED	APPROVAL RATE FOR CASES DECIDED INS	APPROVAL RATE FOR CASES DECIDED EOIR	IMMIGRATION JUDGES (EOIR) CASES GRANTED	IMMIGRATION JUDGES (EOIR) CASES DENIED
TOTAL	6,942	31,547	18.0%	21.6%	1,784	6,483
Romania	575	57	90.9%	65.2%	15	8
Soviet Union	109	11	81.6%	23.0%	3	10
China	98	23	80.9%	19.2%	10	42
Ethiopia	456	236	65.8%	58.3%	35	25
Somalia	119	63	65.3%	71.4%	15	6
Vietnam	7	4	63.6%	50.0%	7	7
Syria	21	15	58.3%	6.2%	1	15
Iran	602	446	57.4%	48.1%	103	111
Czechoslovakia	47	36	56.6%	66.7%	8	4
Pakistan	14	13	51.8%	40.0%	8	12
South Africa	14	19	42.4%	33.3%	3	6
Lebanon	58	124	31.8%	28.3%	21	53
Afghanistan	19	45	29.6%	64.0%	169	95
Poland	285	688	29.2%	17.6%	39	183
Cuba	76	186	29.0%	11.0%	81	653
Hungary	31	78	28.4%	25.0%	3	9
Uganda	7	18	28.0%	66.7%	2	1
Nicaragua	3,617	10,486	25.6%	36.5%	580	1,008
Philippines	5	63	7.3%	3.0%	1	32
Yugoslavia	4	77	4.9%	9.8%	7	64
Sri Lanka	1	22	4.3%	43.2%	35	46
Haiti	3	82	3.5%	3.3%	15	436
El Salvador	337	13,861	2.3%	13.0%	396	2,655
Guatemala	67	3,325	1.9%	19.3%	102	425
Honduras	14	1,009	1.3%	12.2%	22	158

Sources: Immigration and Naturalization Service (INS)/U.S. Department of Justice and Executive Office of Immigration Review (EOIR)/U.S. Department of Justice.

Note: We compare the approval rates in proceedings before immigration judges with the approval rates of those applying for asylum before INS district directors. Those who apply with an INS district director have the option of raising their asylum claims again in deportation or exclusion proceedings before an immigration judge.

timony that they have directly experienced or visually observed persecutory events. Immigration judges, said the report, also regularly discount evidence related to subjective fear and persecution of similarly situated individuals, including family members.

The report notes that its findings contrast with the burden of proof in asylum cases affirmed by the Supreme Court in its landmark INS v. Cardoza Fonseca decision. There, the Court, recognizing the difficulty of obtaining direct corroborative proof, emphasized the relevance of testimonial evidence and subjective beliefs presented by the applicant. (See Refugee Reports, Vol. VIII, No. 3.)

Immigration Judges: Judge and Prosecutor Rolled into One? The Harvard study focuses exclusively on asylum hearings before immigration judges. Excluded from the study were applications for asylum filed with INS district directors, who, using informal, non-recorded interviews by INS examiners, consider cases of applicants who come forward voluntarily--"affirmatively."

The study finds that immigration judges, in practice, "actively participate in the hearing, sometimes helping the applicant in preserving limited procedural rights, but frequently 'testing credibility' in a manner which resembles the cross-examination techniques of the government's attorney."

The study charges that immigration judges frequently appear reluctant to grant asylum claims over the objections of government attorneys. "The presumptive skepticism with which immigration judges view claims undermines the appearance of impartiality and applicants may experience the immigration judges role as that of a second prosecutor," said the report.

The study also found "limited and poor quality foreign language interpretation for the majority of applicants, who are non-English speaking." The credibility determination, an explicit factor in 42 percent of the decisions studied, was substantially affected by standard interpreter errors, the report charged. The report further found that large portions of the hearings are not interpreted for the applicants. (The failure to translate hearings in their entirety is the subject of a current class-action suit, El Rescate Legal Services, et al v. Executive Office of Immigration Review, in which the EOIR has been required to provide complete interpretation in southern California. On February 5, the government filed an appeal against the injunction. See Refugee Reports, Vol. X, No. 11).

EOIR Official Calls Study Unrepresentative Gerald Hurwitz, counsel to the director of EOIR, told Refugee Reports, "We disagree with the conclusions of the report across the board." He said that the findings of a small sample "were extrapolated as a national thing," but that approval rates in the study were "out of whack" with the national picture. He said that "the low grant figure was not even close to the norm." Statistics provided by the EOIR represent a national approval rate of 21.6 percent (see accompanying chart); the approval rate of the Harvard sample stood at 4.7 percent.

Hurwitz said that he had not read the report in its entirety, but only the executive summary, "so I don't know how she got her sample."

Anker told Refugee Reports that the disparity between the approval rate in the immigration court under study and the national average "shows how the lack of clear decisions [from the BIA] produces inconsistencies and makes clear the need for standardization of procedures and rules."

Hurwitz criticized the report not only for an unrepresentative sample of cases, but for its findings on the quality of hearings and the role of immigration judges in the procedure. He particularly criticized the study for its criticism of immigration judges for making credibility determinations. "That is part of their job," he said, "to determine credibility, to ask questions, to clarify the record." He also said that it was not his experience "at all" that immigration judges give undue weight to State Department opinions. "Many give very little weight to State Department opinions," he said. "Our judges review all the evidence and assign weight based on the facts" as presented in each case.

Delays in Asylum Process Due to Inefficiency of Court, Study Finds An aspect of the present asylum system on which everyone agrees is that the process is often prolonged, with final decisions dragging out for months or even years. But there, agree-

GAO STUDY FINDS MANY ALIENS FAIL TO SHOW AT DEPORTATION HEARINGS, CONGRESS REACTS

More than one-quarter of apprehended aliens fail to appear at deportation hearings in New York and Los Angeles, finds a recent U.S. General Accounting Office (GAO) study, which also notes that few deportations actually occur relative to the number of undocumented aliens apprehended every year.

The study, Deporting and Excluding Aliens from the United States, has prompted Rep. Bruce A. Morrison (D-Conn.), chairman of the House immigration and refugees subcommittee, to add provisions into his legal immigration bill (H.R. 4300, Title 4, sections 405 and 406) that would order deportations in absentia and bar relief from deportation for five years for those aliens who do not appear at their hearings, if they had been properly notified of the time and place of the hearings and of the consequences for not appearing.

No Shows The GAO report estimates that 27 percent of apprehended aliens fail to appear at deportation hearings, based on the New York and Los Angeles samples. Virtually all had been charged with entering the country illegally, and most had attended at least one hearing before not appearing at a following hearing.

It might not be accurate to extrapolate a national picture from the GAO's New York and Los Angeles samples, however. In the first five months of 1989, the failure to appear rate was 12 percent in Miami, 15 percent in El Paso, and 23 percent in San Diego during the same period that no-shows in New York and Los Angeles stood at 63 and 46 percent respectively, according to the office of the Chief Immigration Judge.

Regardless of the percentages that do not show for their hearings, however, certain procedural problems make appearance for hearings less likely.

"Their non-appearance can be attributed, in part, to aliens not being notified by the INS [Immigration and Naturalization Service] of the time and place of their hearings," said the report. "But their non-appearance may also be due partly to the general lack of repercussions (other than bond forfeiture) for failing to appear."

Aliens apprehended by the INS are generally released on bond or on their own recognizance pending their hearings. In part, this is because detention is expensive and space limited. INS has 2,239 spaces available for detainees at seven INS facilities. In FY 88, 643,000 detention days were provided through outside contracts, at a cost of $25 million.

But releasing aliens gives rise to other problems, principally failure to appear. "Aliens who post bond and fail to appear can forfeit the money or other collateral used to secure their bonds," says the report. "However, such costs could be viewed as a cost of remaining in the United States."

The GAO said, "Aliens have nothing to lose by failing to appear for hearings and, in effect, ignoring the deportation process." Other than the forfeiture of bond--if bond was posted--they suffer no other penalties. And, the report points out, the longer they remain in the United States (seven years is the magic number), the better their chances of finding other avenues of relief from deportation, based on good conduct and roots established while here.

Following closely the recommendations of the GAO, H.R. 4300 would disallow time spent while proceedings are pending to be counted for relief from deportation in this way. It would also impose rather severe penalties for failure to appear after having been properly notified, including five years of noneligibility for the INA's existing provisions for relief from deportation, such as applying for asylum. Motions to reopen would be limited to explaining the reasons for the failure to appear. The mandatory ground for withholding deportation based on threats to life and freedom [INA 243(h)] is not affected by the bill, but it is unclear at what point an alien who failed to appear would have the opportunity to avail himself of that right.

For information on ordering the report, see Resources.

ment ends and finger pointing begins. Government officials have often claimed that delays are caused by continuances initiated by attorneys; advocacy groups say government inefficiency is at fault.

The longest cause of delay, according to the Harvard study, was "the EOIR's difficulty in producing transcripts for appeals." The study found that unavailability of these transcripts caused average delays of 22 months after the immigration judge had rendered a decision.

The Harvard study also found that the lawyer's or the applicant's failure to appear was the reason for a continuance in less than one percent of the cases. In another seven percent of the cases, continuances resulted from the lawyer's need for a postponement because of illness, scheduling conflicts, or being unprepared. In the majority of cases under study that were continued for further hearing, the immigration court had not allocated sufficient time for the completion of testimony, the study found.

Anker Recommends Enhanced Procedural Consistency and Formalized Safeguards

"The central recommendation of this study," wrote Anker, "is the enhancement of formal safeguards in the asylum determination process." Such safeguards include rules for the admission of evidence; the provision of legal counsel to those who cannot afford it; complete and accurate language interpretation; and increased adjudicator training and congressional oversight.

Anker also calls for preserving judicial review, noting that relatively few asylum claims are actually appealed to the federal courts (117 cases in 1984).

Administrative Conference Calls for Speedier Process Another major contribution to the debate about the future shape of the asylum process comes from University of Virginia law professor David A. Martin. His report, submitted last year to the Administrative Conference of the United States (ACUS), a federal agency charged with improving the procedures of federal agencies, was the basis for its recommendations for asylum reform last June.

Martin notes with a degree of alarm the increase in the number of asylum seekers in the United States and other Western industrialized democracies, and suggests that "asylum can...become a misused loophole in the laws that control immigration." Because asylum applicants enjoy important benefits while their claims are pending, such as work authorization and freedom of movement, says Martin, "delays greatly enhance the attraction for marginal claimants."

He suggests that detention or limitations on work authorization could be used as deterrents, but that "they are indiscriminate in their effects, and may have the most severe impact on genuine refugees who in the past have experienced torture or witnessed the killing of family or friends." Instead, Martin maintains that "the only discriminate and humane deterrent derives from expeditious conclusion of asylum procedures, including all stages of review, followed by swift return of undeserving applicants to their home countries."

"Two Bites at the Apple" Martin notes that the process for INS examiners' adjudication of affirmative asylum claims often takes eight months or more. In addition, he says that appeals through the EOIR and the judiciary "can easily consume a year or more, largely because of delays in receiving transcripts of immigration court proceedings."

Martin's report emphasizes the problem of delay as the key issue that most needs to be addressed to improve the asylum adjudication procedure. One of the principal causes of delay cited by the ACUS is to accommodate the scheduling needs of pro bono lawyers. The process of administrative and judicial review is noted as the other significant factor in delay. Martin identifies the fundamental problem as allowing "two bites at the apple"--the system allows two separate rounds where a person can first file an asylum claim before the INS and then, if denied, a separate claim before the EOIR.

ACUS Recommends Eliminating Role of Immigration Judges and District Directors

Based on Martin's report, the ACUS recommended the creation of "one unified initial asylum proceeding" that would eliminate both the roles of INS district directors and immigration judges in the process. In their place, would be established a corps of specially trained asylum adjudicators within the EOIR, who would be devoted exclusively

to adjudicating asylum claims. They would enjoy the same salary, status, and guarantees of adjudicative independence as the present immigration judges.

The corps of adjudicators would be served by an independent documentation center, which would obviate the need for routine referral of applications to the State Department. This, said the Administrative Conference, would "minimize any perception that asylum decisions are influenced by political considerations." At the plenary session of the ACUS, however, objections were raised to removing the State Department's advisory role. As adopted, the proposal would allow the State Department to request either "on an across-the-board basis or country-specific basis" notice of individual asylum applications. This, said the proposal, would allow the State Department to offer opinions in sensitive cases, such as those involving foreign government officials.

The hearings would follow a modified nonadversarial model. "Cross-examination and confrontation," Martin wrote, "often regarded as key components of due process, play little role in guaranteeing fairness to the applicant in this setting, primarily because the applicant is the only witness." In further explaining this point to Refugee Reports, Martin said, "I worry that the current system fails to identify people in trauma." He said that the absence of a government trial attorney trying to "break the story"--usually by attacking the credibility of the applicant--was unnecessary, and that adjudicators could be trained to "draw out the full elements of the story" in a less threatening manner.

Although the ACUS recommendations would allow applicants to be represented by counsel and to present witnesses, they would not allow proceedings to be "unduly delayed" to accommodate counsel, "because expeditious initial decisions are essential." The proposal would eliminate the INS's trial attorney from the proceedings.

Appeals would be directed to a new asylum board within the EOIR devoted exclusively to asylum, thus eliminating the role of the Board of Immigration Appeals in the asylum process. The proposal would also eliminate entirely the Asylum Policy and Review Unit (APRU) in the Department of Justice, which, since April 1987, has reviewed district office decisions.

Critics Charge ACUS with Downgrading Due Process The ACUS recommendations were criticized by a coalition of immigrant and refugee advocacy groups, spearheaded by the San Francisco Lawyers' Committee for Urban Affairs. In a sign-on letter to Martin, the groups said that the ACUS proposal did not clearly enough mandate the rights to counsel, transcription, the rights to present evidence and to cross-examine adverse witnesses, and the right to a decision based on the record. They said that the ACUS language supporting such rights was "too vague" and "insufficient to protect due process." These matters, they said, could not be entrusted to the discretion of any federal agency.

Taking INS Out of the Process Martin told Refugee Reports that his critics have wrongly portrayed the ACUS recommendations as a revival of the INS's 1987 proposals. "There are major differences," he said. "This is emphatically not the 1987 proposal."

Although both proposals call for a specially trained corps of asylum adjudicators and a single round of adjudication, the ACUS "takes the INS out" of the process. The adjudicators, located within the EOIR, would be independent of the INS, he insisted.

But this protestation leads to criticism from Martin's other flank. INS spokesman Duke Austin told Refugee Reports that removing INS from the asylum process "would be diametrically opposed" to the philosophy of the INS, which, he said, has had the exclusive role of admitting all aliens to the United States. "I can't see us buying into that," he said.

Would Asylum Adjudication Be Any Fairer within the EOIR? Martin is caught in the middle. His critics among the refugee advocacy network do not seem altogether comfortable with asylum adjudication left in the hands of the EOIR either.

In a letter endorsed by the American Immigration Lawyers Association, Anker has suggested that the EOIR has been "tainted" by the perception that it is overly deferential to foreign policy and immigration enforcement considerations, and that "a totally separate agency" might be necessary to adjudicate asylum claims.

Asylum Regulations: Round Three?

Despite its critics, the ACUS proposal seems to have generated interest at the Department of Justice. At the plenary session where the ACUS proposal was adopted, it was announced that the Attorney General's office had "invited" the ACUS to make its recommendations. Interpreter Releases reported on June 26, 1989 that the Attorney General's office, at that time, had not had time to form an opinion on the pending regulations, due to the transition to the Bush Administration.

An aide to Senator Edward M. Kennedy (D-Mass.), chairman of the refugee subcommittee, told Refugee Reports, "We were assured by the Justice Department that [the promulgation of asylum regulations] is a high priority. They are moving ahead and soliciting ideas for reform. They say that it is a consultative process and that they are not locked into a particular formula."

The Attorney General's office would only tell Refugee Reports that "something is being reviewed" and that it "is actively being looked at." Justice Department sources declined to comment on a timetable for publication of new proposed regulations, but indicated that the relevant Justice Department agencies have not yet "signed off" on new draft regulations, nor has anything yet been submitted to the Office of Management and Budget.

However, with the Bush Administration now firmly in place, a new commissioner heading the INS, and the challenge of judging the claims of increasing numbers of asylum seekers as pressing as ever, the time may well be at hand for the formation of an Administration opinion on the system for judging asylum claims in the decade ahead.

[Editor's Note: Information for ordering copies of the reports mentioned in this article can be found under Resources.]

Recent Developments

SENATE HEARING LOOKS AT CPA AND REFUGEE PROTECTION IN SOUTHEAST ASIA

The lack of consensus on repatriation of screened-out Vietnamese boat people has hampered full implementation of an international plan of action to resolve the long-running Vietnamese refugee problem and undermined commitments of protection and asylum in Southeast Asia, according to private advocacy groups testifying before the Senate Appropriations Subcommittee on Foreign Operations on March 1. The hearing was chaired, for the most part, by Sen. Mark Hatfield (R-Ore.), ranking minority member of the Appropriations Committee.

The Comprehensive Plan of Action (CPA) endorsed last June by 76 nations meeting in Geneva "is on the verge of collapse as a result of the failure of governments to reach consensus" on the involuntary return of screened-out Vietnamese, said Le Xuan Khoa, president of the Indochina Resource Action Center. "The result is that the state of first asylum and protection for refugees hangs in a precarious balance."

When the members of the CPA steering committee met in Geneva in January, the United States proposed that a one-year moratorium, through January 1, 1990, be imposed on any involuntary repatriation of Vietnamese who are determined, following an interview with an asylum country official, not to qualify for refugee status.

The U.S. proposal was rejected by the other CPA participants who, with the exception of Vietnam, unanimously endorsed a moratorium ending July 1. Vietnam had split the difference and proposed a moratorium through October 1. The U.S. delegation, reportedly after consultation with the White House, rejected any shorter intervals, thus blocking consensus.

The text of the CPA specifies that "persons determined not to be refugees should return to their country of origin in accordance with international practices," but that "in the first instance, every effort will be made to encourage the voluntary return of such persons."

The CPA also spells out commitments to a range of other initiatives, including discouragement, through humane measures, of clandestine departures from Vietnam; expansion of regular departure programs; temporary refuge for all asylum seekers; establishment of a consistent, regionwide refugee screening process; resettlement of "long-stayers" and newly determined refugees; and maintenance of safe arrival and access to screening for all Laotian asylum seekers in Thailand.

MONTHLY ARRIVAL OF VIETNAMESE BOAT PEOPLE
IN COUNTRIES OF FIRST ASYLUM: 1989

Month	Number of Arrivals							
	Hong Kong	Malaysia	Indonesia	Thailand	Philippines	Singapore	Macau	Total
Jan	114	1,665	184	169	4	--	--	2,136
Feb	356	1,759	--	197	188	80	--	2,580
Mar	842	2,802	279	191	311	70	--	4,495
Apr	2,918	3,400	654	418	1,286	172	--	8,848
May	9,192	1,703	678	454	1,248	163	--	13,438
Jun	9,679	1,158	1,419	581	1,885	76	--	14,798
Jul	4,273	487	548	358	350	280	--	6,296
Aug	4,441	254	298	45	587	366	--	5,991
Sep	1,076	870	683	585	441	123	--	3,778
Oct	709	1,332	1,077	295	255	62	--	3,730
Nov	322	497	635	293	--	--	--	1,747
Dec	194	791	240	787	123	--	--	2,135
TOTAL 1989	34,116	16,718	6,695	4,373	6,678	1,392	--	69,972
TOTAL 1979-1989	156,733	183,302	104,775	94,119	45,896	29,879	6,144	620,848

Source: Hong Kong Government

Hong Kong Screening is Still "Seriously Flawed" By implementing a screening program that is still "seriously flawed" and carrying out the "precipitous" forcible repatriation of 51 Vietnamese asylum seekers last December, Hong Kong and the United Kingdom "endanger the whole CPA," Khoa said.

In the Hong Kong screening process, Khoa testified, "government interviewers are inadequately trained; applicants are not given the opportunity to adequately present their cases nor are they given the benefit of the doubt, translation services in many cases are inadequate; appeal review appears arbitrary; and reasons are not given for upholding rejections on appeal."

"Until a fair screening process and an effective mechanism for safe return are in place," said Khoa, "we will continue to oppose any moves to repatriate the 'screened-out'." He urged that more time and resources be devoted to promoting voluntary repatriation, adding that "it is essential for overseas Vietnamese to be involved in the monitoring program to assess its effectiveness in protecting the rights of the returnees."

Testifying before the Senate subcommittee, Ambassador Jewel Lafontant, the U.S. coordinator for refugee affairs, reiterated the view that "the President's policy is opposed to involuntary repatriation.... Voluntary repatriation has not been given a sufficient opportunity to demonstrate whether it will work."

First Asylum Camp Conditions Are "Deplorable" "The disintegration of the CPA," said Nina Hale, acting executive director of Refugees International (RI), "is exacerbating the deplorable conditions under which asylum seekers are forced to live in the camps." She accused Hong Kong of "deliberately refusing to improve living conditions. To put it bluntly, people are being treated like animals."

Overcrowding, local dislike and resentment, restrictions on services, poor sanitation, disease, and great uncertainty about the future have all contributed to the rising tides of violence in the detention centers, according to the RI testimony. "What started out as peaceful demonstrations to protest the screening and the mandatory repatriation have recently turned into riots in Hong Kong, involving violent clashes with camp authorities," Hale said.

"Security, particularly for women and unaccompanied minors, remains a critical issue that is not being properly addressed.... Rapes and assaults occur with regularity," she said. (See Resources.)

In Malaysia, living space is in such

shortage on the island camp of Pulau Bidong that 75 people now crowd into living quarters designed to hold only 6 to 8, said Hale. Moreover, "Refugees have been digging under the foundations of many of the houses in an attempt to make additional space. This makes the buildings structurally unsound, creating the risk, especially in the rainy season, that the buildings will collapse."

Malaysian Pushbacks Are "Deliberate and Dangerous Abuse" of Right to Asylum If Malaysia's camp foundations are shaky, its commitment to temporary refuge and first asylum is even more so, according to Court Robinson, policy analyst for the U.S. Committee for Refugees (USCR). Since May 1989, he testified, "Malaysian authorities have pushed back more than 4,000 Vietnamese boat people, at least six to their deaths." This constitutes a "systematic, deliberate, and dangerous abuse of the right to seek and enjoy asylum."

Despite protest from the UN High Commissioner for Refugees (UNHCR) and the U.S. government, the pushbacks continue. Just back from a mid-February visit to Malaysia, Rep. Chester Atkins (D-Mass.) told the Senate subcommittee that in order for the Malaysian government to be willing to end pushbacks, the United States first must join in consensus with the region on involuntary repatriation of the screened-out.

The United States is faced with a "tragic choice...a Hobson's choice," said Atkins. "We can either maintain the moral high ground and say that we will never allow, under any conditions, forced repatriation and essentially become irrelevant to the argument. We will watch, paralyzed and helpless, the tragedy that occurs on the high seas taking hundreds, perhaps thousands, of lives. Or we can re-engage in the Comprehensive Plan of Action."

As agonizing as it may be to secure," Robinson said, in order to bring a halt to pushbacks in Malaysia, "the United States must seek a new consensus on involuntary repatriation of the screened-out...with some compromise likely to be needed on the length of the moratorium."

"Any nonvoluntary return of the screened-out," Robinson added, "must be contingent, of course, on a fair and credible status determination and on Vietnamese guarantees of nonreprisal, verifiable through international monitoring. These conditions cannot be compromised."

As further incentive to the Malaysian government to end pushbacks, USCR testimony recommended that the United States should make new commitments on the resettlement of some of the 7,300 longstayers in Sungei Besi camp, as well as contributions of additional emergency funds for implementation of the CPA.

Cambodians and Burmese Refugees in Thailand Face Protection Crises In late January, according to USCR testimony, Khmer Rouge guerrillas removed more than 4,000 Cambodian civilians in Borai camp on the Thai-Cambodian border and relocated them to sites along the so-called "hidden border" and inside Cambodia. The Khmer Rouge did this "to thwart a UN effort to transfer this population to Site K, a camp farther inside Thailand with better international access. Relief officials have evidence that the Khmer Rouge used force to prevent people from boarding trucks for Site K."

In the last 18 months, Khmer Rouge authorities have moved an estimated 30,000 people out of internationally supervised refugee camps inside Thailand.

On March 6, in what many observers have called a surprising shift in policy, Thai Prime Minister Chatichai Choonhavan proposed that the border camps holding 300,000 Cambodians be closed and the residents moved to neutral camps run by UNHCR.

Relief agencies welcomed the proposal and recommended that Khao I Dang camp be employed for that purpose. A Khmer Rouge official, however, told the Bangkok Post that the Khmer Rouge would not participate in the move to neutral camps, prompting fears of additional large-scale forced relocations of civilians under KR control.

In the last two months, according to USCR testimony, Burmese army attacks along Thailand's western border have forced more than 17,000 refugees to flee into Thailand, "where they are living without legal status and precious little international assistance."

The new refugees--of whom 2,000 are Burmese students and about 15,000 are ethnic minorities--join about 24,000 Burmese refugees already in Thailand.

The United States has provided $250,000

in humanitarian assistance to Burmese students and offered parole status to four Burmese and refugee status to one.

"While resettlement is not the primary need of Burmese refugees in Thailand," Robinson said, "we feel the United States must do more to demonstrate its commitment to this group. The more critical need is to persuade Thailand to offer some form of temporary asylum to Burmese who so clearly are fleeing persecution and substantial human rights abuses."

CONGRESSIONAL COMMITTEES HOLD HEARINGS ON HUNGER IN NORTHERN ETHIOPIA AND SUDAN

Millions of people in northern Ethiopia and Sudan are without food. In both countries, increased fighting and the intransigence of government and rebel leaders have disrupted existing relief programs and threaten plans for new efforts to get food to those at risk. And time is running out: the rainy season, when roads become impassable, is almost at hand in both regions.

These were among the concerns raised at hearings on war and famine in Ethiopia and Sudan held by the House Subcommittee on Africa and the International Task Force of the Select Committee on Hunger on February 28 and March 15.

Northern Ethiopia More than 4.9 million people are at risk of starvation in Eritrea, Tigray, and other areas of northern Ethiopia (See Refugee Reports, Volume XI, Number 2). In his opening statement at the February 28 hearing on Ethiopia, Rep. Donald Payne (D-N.J.), acting chairman of the Africa subcommittee, noted that while 75 percent of those at risk live in areas under the control of insurgent groups, two-thirds of all aid to the region was being sent to areas under government control through the port of Massawa.

Payne said that it was necessary to maximize the capacity of the cross-border operation (through which food goes to insurgent areas via Sudan). He said this was particularly important because the flow of food aid through Massawa had been disrupted by the Eritrean People's Liberation Front (EPLF) attack on Massawa in early February.

Andrew S. Natsios, director of the State Department's Office of U.S. Foreign Disaster Assistance (OFDA), said that if no agreement could be reached between the Ethiopian government and the insurgent groups to create relief corridors for the safe transportation of food, "We will see hundreds of thousands of people die."

Political Solution The need for a political solution to the conflicts in northern Ethiopia was stressed. "The Eritrean problem must be addressed directly," said Herman J. Cohen, Assistant Secretary of State for African Affairs. "They [Eritreans] have been fighting since 1962 for self-determination," Cohen added, and the Ethiopian government must address this directly.

Rep. Tony Hall (D-Ohio), chairman of the Hunger Committee, said that the committee had written to Soviet President Mikhail Gorbachev regarding the famine, and that he had just received a response. In a letter to the committee, Gorbachev had expressed Moscow's concern over the growing crisis, and pledged Soviet support for seeking a political solution to the war.

Despite the positive response from Gorbachev, prospects for a political solution may not be good. Cohen said that he was not convinced of the commitment of any of the parties in the conflict to either relief or peace.

"Let the Food Get Through" Rep. Gary Ackerman (D-N.Y.) criticized all the warring parties for putting lives at risk. Addressing any representatives of the insurgent groups or the Ethiopian government in attendance at the hearing, Ackerman said, "If you are going to let your children die, then shame on you. And if we allow it to happen, shame on us." Ackerman said that the committee, the congress, and the rest of the world cannot sit back and watch people die. Ackerman urged all sides in the conflict to "stop the fighting and let the food get through."

War and Famine in Sudan In 1988, more than 250,000 southern Sudanese reportedly starved due to war and drought-induced famine. Many are once again without food. The March 15 hearing on the current situation in Sudan focused on the possibilities for the start-up of Operation Lifeline Sudan (OLS) II, a proposed follow-up to the UN-sponsored relief effort that is said to have helped

In the very south of Sudan, there is no food. The effects of malnutrition are already quite visible on these young boys. USCR director Roger Winter, testifying on what he saw during a recent site visit to south Sudan, said, "Everywhere I went, people said they were hungry....I could routinely see old women forty feet up in the tops of trees, picking leaves to eat."
USCR/R. Winter

avert widespread famine in 1989, and on human rights abuses in the Sudan.

During the hearing, both sides in the Sudan conflict--the government and the Sudan People's Liberation Army--were also criticized for putting military and political considerations above people's lives. Rep. Dan Burton (R-Tex.), pointing to the recent shelling of Juba (the government-held capital of southern Sudan) by the SPLA, and to the government's preventing civilians from leaving the city, said, "The two sides in the civil war apparently have no regard for the value of human life."

Prospects for Operation Lifeline Sudan II OFDA's Natsios appeared confident regarding the future of OLS II. "Recent commitments and assurances from the Government of Sudan give hope that OLS II can be launched soon," he told the committee. However, another witness, U.S. Committee for Refugees director Roger Winter, who had just visited southern Sudan, said, "I'm not that optimistic about Lifeline Sudan II." Sudanese government and OLS leaders had reached agreements without full consultation with the SPLA, and that could lead to problems, Winter said. Refugee Reports subsequently learned that the SPLA has rejected OLS II because it had not been fully consulted regarding the proposal.

Winter expressed concern regarding the critical food shortages he saw in southern Sudan. "The dry season in south Sudan is almost over and effective steps to stock adequate food supplies have not been taken," Winter said. He told of having seen old women climbing 40-foot high trees to pick leaves to eat. "We must do what is necessary to improve the food flow to the South now," Winter said.

Winter also drew attention to the plight of the 300,000 civilians trapped in Juba. He urged U.S. and international authorities to seek agreement from both the government of Sudan and the SPLA to permit the civilians in Juba to choose whether to leave the city or remain there. Winter then recommended an "internationally supervised evacuation of those who wish to leave."

Ackerman expressed concern about the two million displaced southern Sudanese who are living in shantytowns built atop garbage dumps on the outskirts of Khartoum. "Why is there no outcry from the international community regarding the situation of the displaced in Khartoum?", Ackerman asked.

Human Rights Abuses Aryeh Neier, executive director of Human Rights Watch, said that while the government that was ousted by a military coup in June 1989 was guilty of massive human rights abuses, "None compare with the cruelty and intolerance of the present regime, which reflects a dangerous mix of militarism and religious fanaticism." "Considering the enormity of

abuses in Sudan, the United States has been remarkably quiet," Neier added.

HATE CRIME BILL PASSES SENATE

On February 8, the Senate passed a bill (S. 419) to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation. The bill's sponsor, Sen. Paul Simon (D-Ill.), opened the debate by telling the story of a man of Chinese ancestry who was killed in North Carolina last July. "The people that killed him thought he was Vietnamese," said Simon. "They were out to get someone who was Vietnamese."

In addition to citing cases of American minority groups subjected to hate crimes, Simon cited the cases of several other immigrant victims of hate violence. He included the case of an Ethiopian immigrant last November in Seattle who was clubbed to death in front of his apartment building by a group of "skinheads" wielding baseball bats.

Sen. Spark M. Matsunaga (D-Hawaii), a cosponsor of the bill, said that Asian Americans are disproportionately likely to be victims of racially motivated crime. "While statistical data relating to Asian Americans is hard to come by," he said, "communities that do keep records report that Asian Americans in Los Angeles County were victims in 24 percent of all racially motivated crimes in 1986--a 10 percent increase over 1985."

Matsunaga said that in Boston, where Asian Americans represent only 3 percent of the population, they were victims of racially motivated crimes 33 percent of the time in 1986. He noted that Chicago also reported a substantial increase in crimes against Asian Americans between 1985 and 1989.

The bill was widely supported on both sides of the aisle and by the Administration. Only four Senators, led by Jesse Helms (R-N.C.), opposed the bill. Helms called the bill "the flagship of the homosexual, lesbian legislative agenda."

Update

° Mexican immigration authorities have arrested as many undocumented Central Americans in the first two months of 1990 as in all of 1989, said a report in the February 21 Houston Chronicle. "In the first 45 days of this year, we have already arrested 85 percent of the foreigners we got last year," said Antolin Licona Lopez, Mexican immigration chief for the Texas border region. He said that 520 Central Americans were arrested in January and more than 500 in the first half of February. About 1,200 were arrested in all of 1989.

Licona said that despite a Mexican government crackdown on the southern border with Guatemala, thousands of Central Americans were still moving northward through Mexico en route to the United States.

The Brownsville Herald reported on February 19 that the Matamoros city jail was jammed beyond capacity with undocumented Central Americans. Matamoros is the Mexican city just across the border from Brownsville, Texas. City police officer Jose Saucedo Tovar said that 84 Central Americans were currently in custody, including 16 women and 4 children. He said that because there is only one cell available, they were forced to use the jail's storage room for the women and children. All of the men are confined to one cell with no beds. They are so crowded that they cannot all lie down at once. Saucedo expressed the fear that there would not be enough food to feed the detainees and said they are sometimes required to buy their own food.

Earlier a Mexican-based human rights group, the Center for Migratory Information and Studies, charged that conditions of detention in Matamoros violated the human rights of the refugees, according to a story in the January 21 Brownsville Herald.

A reporter touring the cell where Central Americans were detained wrote, "No beds could be seen; and judging by the odor, the toilets were not working well." The reporter interviewed an incarcerated 15-year-old Salvadoran boy who said that he had only eaten two tortillas in two days. The reporter said that the boy "choked back tears as he explained that he fled his native country after he deserted a guerrilla army and feared retribution."

° The West German government has announced that it will close migrant reception camps and cut off cash benefits to migrants as of July 1, the Washington Post

reported on March 21. The move, announced shortly after pro-reunification forces won handily in East German elections, is intended to discourage East Germans from moving to the West. About 720,000 ethnic Germans entered West Germany last year. In recent weeks, they have continued to enter the country at the rate of about 2,000 a day.

° A last-minute flood of Romanian asylum seekers poured into Austria on March 13 and 14 prior to the imposition of new visa requirements as of midnight March 14. In all, an estimated 5,000 to 7,000 Romanians crossed into Austria in a 24-hour period.

Austrian Chancellor Franz Vranitzky said in a radio interview, "The people coming into this country are economic refugees and they are not being politically persecuted." The Traiskirchen refugee camp was closed and local residents blocked roads leading to the camp. Austria has already issued visa requirements of Bulgarians and Turks, and the Austrian parliament is debating a bill to allow the police to check the documents of travelers on planes prior to disembarking, according to the March 15 New York Times.

° A multi-million dollar UN program to educate Afghan refugees on clearing mines has come under sharp criticism from the former field supervisor of the operation.

Rae McGrath, who quit the program, told the Washington Post that the UN grossly exaggerated the impact of its program and wasted large sums on poorly planned and badly monitored educational programs.

The UN has raised $30 million for the mine clearing operation. Some 20,000 refugees have been paid about $15 each to attend two-week courses in mine clearance, but have not been required to return to Afghanistan to clear mines. So far, only one team of 27 persons has actually gone into Afghanistan to clear mines. Until mines are cleared, some three million Afghan refugees in Pakistan are unlikely to repatriate in significant numbers.

° On February 8, Sens. Robert W. Kasten (R-Wis.) and Patrick J. Leahy (D-Vt.) introduced a bill (S. 2119) to provide $400 million through the Housing Investment Guaranty program to assist Israel in absorbing Soviet Jews. The $400 million in loan guarantees would be sufficient to finance the construction of 30,000 housing units and infrastructure requirements to accommodate the influx of Soviet Jews. Leahy said that he would also include the bill or a variant of it as a provision in the refugee supplemental appropriation for FY 90.

° The Canadian government endangered the life of a Sikh asylum seeker by sending his picture to the authorities in India, asking them to determine whether he was a terrorist, an asylum adjudicator ruled in early March.

The Sikh was a passenger on a boat that landed in Nova Scotia in July 1987, an incident that touched off an anti-immigrant backlash, resulting in an overhaul of the laws governing asylum adjudication.

In his written decision, the asylum adjudicator said that he was convinced that the claimant's family had been harassed as a result of the Canadian government's move to identify the man. "By reason of the very public nature of your arrival in Canada and the use of the photograph for identification sent to the Indian government," wrote the adjudicator, "you have undoubtedly come to the notice of the police and probably caused the Indian government some embarrassment."

"The Canadian government, by its actions, made everybody on that boat a refugee," Lorne Waldman, a Toronto lawyer representing the Sikh asylum seeker, told the Toronto Globe and Mail on March 13.

° "A widespread pattern of discrimination" against people who are or appear to be foreign born was found among businesses in the New York metropolitan area in a report issued on February 28 by the New York State Inter-Agency Task Force on Immigration Affairs.

The study is the latest in a series of reports that have found flaws with the 1986 Immigration Reform and Control Act, due to resulting discrimination against foreign or foreign-looking job seekers (see Refugee Reports, Vol. XI, No. 1). The report found that nearly one-fifth of the medium-sized companies in New York City have established policies that deny jobs to foreign born or those with temporary work authorization.

"How can you say there's more discrimination, when there was never any study be-

fore the 1986 law to determine discrimination in the work place?" asked Immigration and Naturalization spokesman Duke Austin, as quoted in the February 26 New York Times.

° Lionel A. Rosenblatt has succeeded Shepard C. Lowman as president and executive director of Refugees International. Berta Romero has also joined RI as director of programs.

Rosenblatt is a former U.S. foreign service officer with years of experience in refugee affairs in Southeast Asia and Washington. Romero formerly coordinated U.S. refugee processing in Thailand and later worked with the National Immigration, Refugee and Citizenship Forum in Washington. Lowman will remain on the RI board.

° Douglas Stafford has been appointed as the deputy UN High Commissioner for Refugees, succeeding Arthur C. Dewey. Both men are American citizens. Since 1985, Stafford has served as head of the Bureau for Finance and Administration in the UN Development Program, and prior to that held senior posts with the U.S. Agency for International Development and the Peace Corps.

Resources

[Editor's Note: The following resources are discussed in this month's lead story. Here, we include information about how to obtain these reports.]

1) "The Implementation of the Refugee Act of 1980: A Decade of Experience," by the Lawyers Committee for Human Rights, is available for $8. To order this 97-page report, contact the LCHR at 330 Seventh Avenue, 10th floor, New York, NY 10001.

2) The 36-page Amnesty International U.S.A. report, "Reasonable Fear: Human Rights and U.S. Refugee Policy," can be ordered from Amnesty International U.S.A., Publications Department, 322 Eight Avenue, New York, NY 10001. At press time, the price was not yet set. For further information on price, call Lisa Berg at (212) 807-8400.

3) Copies of the 9-page executive summary of "Determining Asylum Claims in the United States," by Deborah Anker, are available from the author for $3 by contacting her at the Harvard Law School, Pound 511, Cambridge, MA 02138.

4) Free copies of the 134-page "Reforming Asylum Adjudication," by David Martin, can be obtained by contacting Kevin Jesser at the Administrative Conference of the United States, 2120 L St., NW, Suite 500, Washington, DC 20037.

5) Free copies of the 85-page "Deporting and Excluding Aliens from the United States" (GAO/GGD-90-18) are available from the U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, MD 20877. (202) 275-6241. More than 5 copies are available at $2 each.

HUMAN RIGHTS DIRECTORY: LATIN AMERICA AND THE CARIBBEAN

The Human Rights Internet, in conjunction with the Programa de Derechos Humanos de la Academia de Humanismo Cristiano (Chile), recently published the HRI Reporter Human Rights Directory: Latin America and the Caribbean (January 1990). The 528-page, bilingual (English/Spanish) directory provides a comprehensive listing of organizations, both within the region and based elsewhere but all focusing on human rights and social justice issues in Latin America.

More than 1,000 groups are listed in the directory. For more than 800, background information and details of the group's services and objectives are provided, along with addresses and other contact information. The first chapters list organizations with a regional focus, while later chapters provide country-by-country listings. Another 140 international human rights organizations are also listed.

Included in the directory are not only groups that focus on the security of the individual and on civil, political and other rights, but also organizations concerned with the rights of indigenous peoples, women, children, and refugees.

Single copies of the Directory may be ordered for $50.00 from Human Rights Internet, Harvard Law School, Pound Hall, Room 401, Cambridge, MA 02138. (617) 495-9924. The Directory is available to HRI subscribers at half price.

AN AMERICAN STUDENT COMPILES WRITINGS OF HIS SOUTHEAST ASIAN CLASSMATES

The String Bracelet: Reflections of and by the Young People of Southeast Asia is a collection of twenty-four essays, poems, and other writings by and about refugee youth from Cambodia, Vietnam, and Laos.

The project was compiled by Kyle Farmbry, now a nineteen-year-old sophomore at George Washington University, after the death of a Cambodian-born classmate during his senior year in high school awakened him to the deep and little-understood concerns that many of his Southeast Asian peers are experiencing.

The stories reflect the challenges that these young people have faced. They tell of life under the genocidal Pol Pot regime in Cambodia, and under the governments of post-war Vietnam and Laos. They also tell of the terror of escape: crossing a mine field or wide river in the dark of night, suffering attack by pirates at sea or bandits on land, witnessing the violent deaths of family members and friends. Finally, the stories reflect the complexities of life in a new land and the process of acculturation in American society.

According to Farmbry, "I began to talk with many of the Southeast Asian students for a school newspaper article I was writing regarding the death of the Cambodian student. I found myself in a state of disbelief about what this student had endured. In addition, I was amazed at the incredible resilience that he and so many other students from this region of the world displayed."

"Ultimately," he adds, "I saw such a collection of stories as helping Southeast Asian and non-Southeast Asian students to begin to understand one another and perhaps begin to bridge many of the cultural gaps that exist between them."

The book is currently being used in classrooms in the Philadelphia and Los Angeles School Districts to encourage such cross-cultural communication.

The String Bracelet is available in paperback from Intercultural Productions, P.O. Box 57343, Washington, DC 20037, for $8.95 per copy (plus 10 percent for shipping and handling). For further information, contact Kyle Farmbry at (202) 347-3507.

"Dream of Someone Beautiful," by Saveth Noun, is excerpted from The String Bracelet.

If I try to imagine the past, nothing appears in my mind. Only my brother's picture is possible to dream about.

He died during the communist revolution that took place in Cambodia. He disappeared from this world ten years ago. But his picture is still hanging alive in my imagination. His name was Noun Sam Nang. He was born in 1963. He was my best brother.

My tears will trickle when I think about his picture, because he died with misery and starvation. I hope he has a good life in his next reincarnation. I hope he is born in a peaceful land with plenty of food.

My brother always had good ideas and gave me good advice. Before he died, he told me, "Believe me brother, life is unpredictable. Life in the world is like the water in the river...

But don't let your life pass away without receiving advantages from the world and nature which surrounds you." My brother was patient, polite, and very responsible. He took good care of me and my brother, my sisters.

My family tried to keep his picture, but it vanished almost six years ago.... But I still remember it.

He is standing in front of my house, holding his girlfriend's shoulder..... Whenever I saw his picture in my mind before, I lost it. But this time I see his character, and the way he was, in the picture.

Among the boys who grew up the same as his generation, no one was as beautiful as him.... He was strong. His body was full of muscle. He always smiled. You could tell that he was kind.

Now, after writing, his exact face has slipped from my mind...

If you can't imagine my brother, then dream of someone who is beautiful, like him.

"REFUGEES IN OUR BACKYARD"

A new 58-minute documentary film explores the reasons Central Americans have been displaced from their homes and tracks their migration to the United States.

"Refugees in Our Backyard" shows the effect of civil war in three Central American countries, and includes footage of the Mesa Grande refugee camp in Honduras and of the Mexican-Texas border region.

The film, narrated by Sigourney Weaver, explores the controversies surrounding the migration of undocumented asylum seekers and includes interviews with Border Patrol and Immigration and Naturalization Service officials, as well as refugee rights advocates.

The 16 mm. film is priced at $900 ($125 for rental). A video version is sold for $390, but is not available for rent. To order, contact James Lee, First Run--Icarus Films, 153 Waverly Place, 6th floor, New York, NY 10014. (212) 243-0600.

WOMEN'S COMMISSION DENOUNCES "INHUMANE CONDITIONS" IN HONG KONG DETENTION CENTERS

In January, a delegation of the Women's Commission for Refugee Women and Children spent eight days in Hong Kong, investigation conditions in the detention centers housing Vietnamese boat refugees (see Refugee Reports, Vol. XI, No. 1). The Commission has just issued its report on that visit.

Copies of the 18-page report are available free-of-charge from the Women's Commission for Refugee Women and Children, c/o the International Rescue Committee, Inc., 386 Park Ave. South, New York, NY 10016. (212) 689-3459.

A related report, Hong Kong: The Other Story: The Situation of Vietnamese Women and Children in Hong Kong's Detention Centers, has been prepared for the Indochina Resource Action Center by Diana D. Bui, a member of the delegation. The 32-page report is largely taken from Bui's journal entries during the visit. Copies are available at $5 each, including postage and handling. Contact the Indochina Resource Action Center, 1628 16th Street, NW, 3rd floor, Washington, DC 20009. (202) 667-4690.

TO THE PROMISED LAND

"We people are forced to emigrate to other places even though we love our land."
Pablo G., Age 29

Pablo and many other voices of undocumented Mexicans are heard in To the Promised Land, a book of essays, quotations, and photographs about the migration of Mexicans to the United States.

Divided into three parts--Mexico; La Frontera; and El Norte--the message and strength of the book is driven by its powerful black and white photographs. La Frontera is captured by a close-up of a pair of feet that have traveled many miles; a group of people stuffed into the trunk of a car; a tattered sweater on the barbed wire fence separating the two countries.

Photographer Ken Light commented, "I once saw a driver leave the car in drive, open the door, and just run. The car was still going and there were people in the trunk and in the front seat."

Light spent four years photographing the Mexican-American border region. His photographs trace the journey from rural Mexican villages to the border, and on into the shadow existence of undocumented aliens in El Norte.

To the Promised Land is published by the Aperture Foundation in association with the California Historical Society. It is available for $25 from local book stores or from Aperture, 20 East 23rd St., New York, NY 10010. (212) 505-5555.

A GRINGO CROSSES THE BORDER

What Ken Light captures in pictures (see previous story), Ted Conover captures in words in Coyotes: A Journey Through the Secret World of America's Illegal Aliens.

Conover tells the riveting story of his experience living among undocumented Mexican migrant laborers, sharing their backbreaking work, and the ever-present fear of the Border Patrol, *La Migra*, and the Immigration and Naturalization Service.

Conover also traveled to Ahuacatlan, the home town of his Mexican friends, and lived there for a time. He saw a town in which seven out of ten households lack a husband or father. He quotes the local

priest as saying, "The men come home once a year, they make their wives pregnant, and then they leave again. The wives get so frustrated; 'I married a man, not a letter, not a U.S. Postal Service money order!' one said to me. The children of these families have a character that is colder than normal."

Conover also traveled with his Mexican companions within Mexico and the United States, and accompanied them in the illegal crossing between the two countries.

He tells a harrowing story of being stopped by Mexican Federal Judicial Police --*los judiciales*--armed with an assortment of rifles and automatic weapons. Unaware that a gringo was among the group of captured migrants, the federal police beat and tortured Conover's friends until his identity, including the press card he carried, was revealed. After paying heavy bribes, his companions were released.

On another occasion *los judiciales* stopped a bus in which he and his friends were traveling on the way north. They grabbed a Guatemalan, also considered an illegal alien in Mexico. "When the man could produce neither a Mexican draft card nor immigration papers, he had been ordered to strip. Sewn into the cuff of one of his pant legs was $150; the police found it and kept all but $10."

Conover made the trek across the desert at the Organ Pipe Cactus National Monument, the very place where 13 Salvadorans had perished in 1980. Hiking at a brisk pace with virtually no food or water along with men who had been badly beaten by *los judiciales* the day before, Conover marveled at the strength and determination of his companions. "It was an entirely different sort of trip than any American might make: we weren't there for outdoor exercise, or for education about the environment; this wasn't a game." Conover observed, "People crossed for work or to escape war, but never for fun."

Yet Conover's tale makes fun reading in the best tradition of picaresque adventure. The reader feels his tension as *coyotes*--alien smugglers--eye him suspiciously, wondering whether to take him across the border or to slit his throat, suspecting him as an undercover INS agent. Finally, the reader begins to admire Conover himself not only for the cleverness and humor that helps him out of so many jams, but for his sensitivity to his subjects, and for the friendships he has won across a great cultural divide.

"What *La Migra* does not know--what it perhaps cannot afford to know--" writes Conover, "is the more human side of the men and women it arrests, the drama of their lives." Conover says his is not a policy book, but rather a story. "It relates to policy only insofar as I hope through it to flesh out a missing perspective of those whom the whole thing is about."

Conover says that immigration policy debates have dehumanized the Mexicans, "turning them from people into 'illegal aliens.'"

In Coyotes, their humanity comes through. Some better, some worse. But, as Conover, puts it, "These are th guys. They're not perfect, but the majority would make good neighbors; I'd welcome them as mine. I found the illegal immigration monster to be the sort that's less scary up close than it is from a distance."

Coyotes is published by Vintage Books of Random House, and is available through local bookstores. It can also be ordered directly from Vintage Books for $6.95, plus $2 postage and handling, by calling 1-800-733-3000. Telephone orders must include the ISBN number, 0-394-75518-9.

Reader Exchange

The Midwest Regional Immigrant Rights Center (MIRC), a regional pro bono program providing legal representation to asylum applicants, has an immediate opening for an experienced attorney to be director. The director will administer the department and be responsible for supervising the pro bono program staff. MIRC currently administers a panel of more than 200 volunteer attorneys, interpreters, and expert witnesses, and represented asylum applicants from more than 20 countries last year. MIRC is a program of Travelers and Immigrants Aid of Chicago.

Full benefits are offered and salary is negotiable. Send resumes and inquiries to Craig Mousin, MIRC, 327 S. LaSalle, Suite 1400, Chicago, IL 60604. (312) 435-8088.

FY 89 U.S. FORCED RETURNS OF CENTRAL AMERICANS AND HAITIANS

To:	Nicaragua	El Salvador	Guatemala	Honduras	Haiti
Deportations	110	3,904	3,454	2,912	133
Exclusions	5	25	13	37	759
Required Departures	84	802	568	219	29
Total	199	4,731	4,035	3,168	921
Interdicted at Sea and Returned					4,551
TOTAL					5,472

Source: Immigration and Naturalization Service

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